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Attorney for Debtor

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

TENA H. ROBINSON
 Debtor,

CASE NO. 18-23365

Motion Control Number: JB-3

MOTION TO AVOID JUDICIAL LIEN
OF BOSCO CREDIT, LLC ON REAL
PROPERTY NAMED AS 3350 Y
STREET SACRAMENTO

DATE: August 21, 2018
 TIME: 3:00 pm
 PLACE: Courtroom 33
 Honorable Ronald H. Sargis

Debtor, Tena H. Robinson, by and through her attorney of record, moves the Court herein to avoid value the judicial lien impairing the debtor's exemption on the real property located at 5611 34th Avenue, Sacramento, CA. This motion is based on the following:

1. Debtor filed a Voluntary Chapter 13 Petition Bankruptcy on May 30, 2018.

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2 2. Bosco Credit, LLC has a Judgment against debtor in the amount of \$79,227.45 entered
3 on January 8, 2011 and recorded on April 30, 2012 in the Sacramento County Recorder's Office.
4 The total Judgment with interest through May 30, 2018 was \$79,227.45. The real property which is
5 subject to the lien is commonly known 3350 Y Street, Sacramento and has a fair market value of
6 \$355,000.00. There is a first deed of trust on the property held by Ocwen Loan Servicing in the
7 amount \$381,138.29 at the time of filing of the bankruptcy case. Debtor claimed a \$1.00 exemption
8 in the equity pursuant to California Code of Civil Procedure Section 703.140(b)(5). Which leaves
9 zero dollars of non-exempt equity in the property. Therefore, Bosco Credit LLC's Judicial lien
10 impairs debtor's exemption and the judicial lien held by Bosco Credit LLC is avoidable.
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12

13 The fair market value is **\$355,000.00**

14 First Deed of Trust is **\$381,138.29**

15 Debtor's Exemption **\$1.00**

16 Judicial Lien by Bosco Credit, LLC **\$79,227.45**

17 Net Equity (Negative) **-\$105,366.74**

18 The judicial lien is a non-possessory and is not a purchase money security interest.
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21 3. 11 U.S.C Section 522(f)(1) states, "Notwithstanding any waiver of exemptions but subject
22 to paragraph (3), the debtor may avoid the fixing of a lien on an interest of the debtor in property to
23 the extent that such lien impairs an exemption to which the debtor would have been entitled under
24 subsection (b) of this section, if such lien is (A) a judicial lien, other than a judicial lien that secures
25 a debt of a kind that is specified in section 523(a)(5) ..." The judicial lien held by Bosco Credit, LLC
26 totally impairs the debtor's exemption. Therefore, the judicial lien must avoided.
27
28

WHEREFORE, debtor requests the court avoid the Bosco Credit, LLC's judicial lien described above.

Dated: July 19, 2018

/s/ Jason Borg

Jason Borg
Attorney for Debtor